

03560.002797

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED**

NOV 12 2004

In re Application of: )  
: Examiner: D. Singh  
TETSUO SAKANAKA )  
: Group Art Unit: 2633  
Application No.: 09/838,277 )  
: Allowed: June 22, 2004  
Filed: April 20, 2001 )  
:   
For: OPTICAL FREE-SPACE )  
COMMUNICATION APPARATUS: November 12, 2004

**OFFICE OF PETITIONS**

**Attn.: Petitions Attorney  
Office of Petitions  
Crystal Plaza 4, Room 3C23**

**Mail Stop 313(c)  
THE COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450**

REQUEST FOR ACKNOWLEDGMENT OF  
CONSIDERATION OF PREVIOUSLY FILED DOCUMENT

Sir:

Applicant has received a Notice of Allowance and Fee(s) Due form, mailed  
June 22, 2004, in the above-identified application.

In reviewing the file for this application upon receipt of the Notice,  
Applicant determined that an initialed copy of the Form PTO-1449 which accompanied the  
Information Disclosure Statement filed July 24, 2001, had not been provided by the U.S.  
Patent and Trademark Office (USPTO). Applicant's representative contacted the

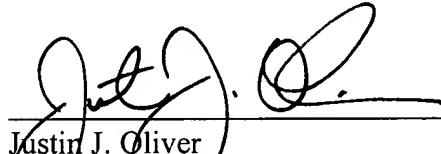
Examiner regarding this matter before paying the Issue Fee for this application. The Examiner requested that a copy of the Form PTO-1449 be faxed to the USPTO. Accordingly, Applicant's attorney faxed a copy of the Form PTO-1449 to the fax number provided by the Examiner (703-872-9306).

By the deadline for paying the Issue Fee, Applicant had still not received an initialed copy of the Form PTO-1449. Accordingly, Applicant paid the Issue Fee on September 22, 2004, and Applicant's representative has continued to try to obtain an initialed copy of the form.

Because the application is set to issue as a U.S. Patent on November 16, 2004, Applicant is requesting withdraw of the case from issue to obtain acknowledgment that the documents listed on the Form PTO-1449 filed on July 24, 2001, have been considered by the Examiner. In that regard, Applicant has attached a copy of the Information Disclosure Statement filed July 24, 2001, with the Form PTO-1449, as well as a date-stamped postcard indicating USPTO's timely receipt of the same. Applicant requests that the Examiner return an initialed copy of that Form PTO-1449.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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Justin J. Oliver  
Attorney for Applicant  
Reg. No. 44,986

FITZPATRICK, CELLA, HARPER & SCINTO  
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New York, New York 10112-3801  
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Commissioner for Patents  
Washington, D.C. 20231

Date 7 / 24 / 01  
Mo. Day Yr.

Atty. Docket 35.62797

Application No. 09/838,277

Sir:

Kindly acknowledge receipt of the accompanying:

- ☐ Response to Official Action. \_\_\_\_\_
- ☐ Check for \$ \_\_\_\_\_ (claims fee)
- ☐ Petition under 37 CFR 1.136 and Check for \$ \_\_\_\_\_
- ☐ Notice of Appeal and Check for \$ \_\_\_\_\_
- ☒ Information Disclosure Statement, PTO-1449 and 7 documents
- ☒ Claim for priority and certified copies of 1 (one) priority applications
- ☐ Issue fee transmittal and Check for \$ \_\_\_\_\_
- ☐ Other (specify) \_\_\_\_\_

by placing your receiving date stamp hereon and returning to deliverer.

Atty. JJO/tmr

Due Date N / D / D

Mo. Day Yr.

FOHS-D-00